

GUIDE TO LOUISIANA REAL ACTIONS,
TEN YEAR AND THIRTY YEAR
PRESCRIPTIONS, by James D. Johnson, Jr.
Claitor's Law Books, Baton Rouge, 1959. Pp. 214.
\$15.00.

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the topical section index at the beginning of each chapter. All told, every conceivable facility has been made available for the ready and useful consultation of this work.

The appearance of this first English translation of the universally renowned Planiol treatise is not only significant in Louisiana. It will also be appreciated as a great contribution by all English speaking countries because a realization of the importance and value of the comparative study of law is now spreading faster and wider. Furthermore, there are today more countries where English is coming to be the most used language after their own national tongue.

For all of this, the principal credit is due to the Louisiana State Law Institute. The Planiol translation was one of the very first projects it decided to adopt. Despite the many vicissitudes and delays, the Institute had the vision, the patience, and the perseverance to see it through to satisfactory completion. It is also in order at this point to give credit to the West Publishing Company for undertaking the job under the conditions that were established and for producing such a fine set of books.

It can hardly be expected that the publication of this Planiol *Civil Law Treatise* in English will immediately or in the very near future assure to the civil law of Louisiana all its ancestral character and flavor. It would be unrealistic to think of turning time back to the starting point. The present law incorporates the life of the people and cannot be erased. However, just as life moves on, so does a legal system live and breathe. In the evolution and development of the civil law that lies ahead in Louisiana, this English version of the Planiol *Civil Law Treatise* can have a long-range, pervasive, and healthy influence.

*Joseph Dainow**

GUIDE TO LOUISIANA REAL ACTIONS, TEN YEAR AND THIRTY YEAR PRESCRIPTIONS, by James D. Johnson, Jr. Claitor's Law Books, Baton Rouge, 1959. Pp. 214. \$15.00.

Mr. Johnson's comprehensive work is "intended to give the general practitioner a guide to the use of real actions in Louisiana and a rule of thumb by which he can reasonably predict in

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advance of trial whether or not his client has the requisite possession for the ten year and the thirty year prescription." (p. 1) In the opinion of this reviewer, these aims have been accomplished with great success by the author, a former member of the Tulane Law Review board of editors and presently an associate of a leading New Orleans law firm.

The organization of the work is excellent for its ready use by the busy general practitioner.

Each of the four major real actions — petitory, possessory, jactitory, and action to establish title — is separately outlined as to its essential elements, necessary allegations, and principal issues.¹ The text is pithy and accurate, with citations to and quotations from statutory and case authority and from law review and treatise sources.

Likewise, in the respective discussions of "The Ten Year Prescriptive Title" and "The Thirty Year Prescriptive Title" the author has set forth the principal elements and issues with succinct reference to, summary of, and quotation from pertinent and appropriate authorities.

For instance, aside from the concise summary by the text concerning the question of what possession will (and what will not) satisfy the ten year prescription, the author selected thirty-seven leading or representative cases and succinctly listed as to each of them the acts which in combination were held to constitute possession. These were contrasted with eight extremely representative cases, likewise with a detailed but brief listing of the acts relied upon but rejected by the courts as not sufficient to prove possession. As one who has (when confronted with the question from time to time) spent many tedious hours attempting to synthesize from the rarely-brief land decisions some general rule as to whether particular combinations of factual acts constituted possession or not, this reviewer believes that many general practitioners will be happy to have this work within reach of their desks for accurate and swift determination as to whether the "possession" concerning which they are questioned by their client is sufficient, insufficient, or borderline.

As a research tool, Johnson's *Guide* should lead the practi-

1. There is also a discussion of "the action to remove cloud from title," of the boundary action, and of other actions used to determine rights relating to immovable property.

tioner or judge right to the group of cases pertinent pro or con to the particular acts relied upon to show possession, or to the particular issue of the real action in which he is then interested. Each heading and the text is outlined and divided with care so as to summarize concisely the legal materials related to each important issue. There is a detailed index, 25 pages in length, to facilitate ready reference to the text. There is also a table of cases and tables of treatise and statutory material cited.

Further, as a welcome revival of an old practice, bound with the printed pages are a number of blank pages upon which the practitioner can set forth his own notes and references with regard to the subject matter. It should be added that the *Guide* is bound so that supplementary or substitute material may be added from time to time by the publisher, so as to keep the work up to date.

Incidentally, this work should retain its usefulness even after adoption of the new Code of Practice. After extensive discussion of a proposed new single and all-inclusive real action,² the Council of the Louisiana State Law Institute has in the present draft of its chapter on real actions retained the petitory and the possessory actions, broadening the former to include the action to establish title (proposed Article 3651) and the latter to include the jactitory action (proposed Article 3655). Although these proposals will simplify real actions and render them less technical a vehicle to determine land rights, the standards of title and possession and the essential attributes in general concerning these real actions (as well as much of the statutory language governing them) remains unchanged, and this reviewer predicts that Johnson's *Guide* will remain a very handy key to the jurisprudence and other legal sources needed by the practitioner or judge to apply the new codal articles to the facts then before them.

In the aptness of the case illustrations, as well as in the conciseness of the synthesis by the text, this work reflects a considerable amount of research and care. The reviewer well believes the report that in the preparation of this handbook the author read every reported Louisiana real action, before select-

2. For an interesting discussion of the proposals before, and of the proceedings of the Council at an intermediate stage before adoption of final recommendations, see Zengel, *The Real Actions — A Study in Code Revision*, 29 Tul. L. Rev. 617 (1955).

ing those authorities which with clarity and accuracy so comprehensively provide a guide to immediate understanding of the real actions and prescriptive titles with which Louisiana's land law is so greatly concerned.

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